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Straub & Pokotylo 788 Shrewsbury Avenue Tinton Falls, NJ 07724			TSUI, WILSON W	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/748,870	Applicant(s) DEAN ET AL.	
	Examiner WILSON TSUI	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-15 and 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This non-final action is in response to the RCE filed on: 11/17/2010.
2. Claims 1-7, 9-15, and 17-19 are amended. Claims 21 and 22 are new. Claims 8 and 16 are cancelled. Claims 1-7, 9-15, and 17-22 are pending.
3. The following rejections are withdrawn in view of new grounds of rejection necessitated by applicant's amendments:
 - Claims 1, 5, 7, 9, 13, 15, and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Emens et al, in further view of Barry et al.
 - Claims 2, 10, and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Emens et al, in view of Barry et al, and further in view of ProductReview.
 - Claims 3, 8, 11, 16, and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Emens et al, in view of Barry et al and further in view of CNET.
 - Claims 4, 12, and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Emens et al, in view of Barry et al, and further in view of MSN.
 - Claims 6 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Emens et al, in view of Barry et al, and further in view of Weaver.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 5-7, 9, 10, 13-15, 17, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kahle et al (US Patent: 7,373,313 B1, issued: May 13, 2008, filed: Mar. 28, 2001, EEFD Apr. 25, 2000).

With regards to claim 1, Kahle et al teaches a method comprising:

a) *accepting, from an ad server and by a computer system including one or more computers on a network, information of an ad which includes ad content* (column 18, lines 20-24: one or more web sites hosting ad/product data are accepted/traversed for ad/product data);

b) *using, by the computer system, a least one of terms, concepts and categories from the content of the ad to determine relevant content, from a content server, in addition to content of the ad, wherein the determined relevant content is one of (A) a news story, (B) a review, or (c) a user group message; and* (column 18, lines 18-40: whereas, the data server analyzes the ad data to realize further relevant product related data; the realized associations stored at the data server. The determined further content retrieved includes reviews, related products, store-location data)

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c) *combining, by the computer system, at least a portion of content of the ad, from the ad server, and at least a portion of the determined relevant content, from the content server, for presentation to a user together with page content* (Fig. 2B: *whereas, the data server combines the ad content with determined relevant content, such that a client program displays the ad and determined relevant content in an aggregated/pop-up-bubble form*),

wherein the page content is (A) not directly used to determine the determined relevant content and (B) different than the content of the ad (Fig 2b, column 18, lines 18-24: *whereas, relevant content is determined/association-established using an automatic search/crawling algorithm, the determined relevant content can be different from the original ad and the relevant content collected from other data repositories is aggregated to include a collection of relevant content including a review of a product, location of where a product can be purchased, etc*).

With regards to claim 2, which depends on claim 1, Kahle et al *wherein the ad is for a product and wherein the determined relevant content is a review for the product* (Fig 2B: *whereas, a recommended ad for a console with controller is shown*).

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With regards to claim 5, which depends on claim 1, Kahle et al teaches *wherein the determined relevant content further includes a search query related to the content of the ad* (column 20, lines 45-53: whereas, an additional query/search process is implemented to find further related content such as additional bids).

With regards to claim 6, which depends on claim 1, Kahle et al teaches *wherein the determined relevant content is a message from a user group* (Fig 2B: whereas, one or more customer review-group messages can be accessed/displayed).

With regards to claim 7, Kahle et al teaches a computer implemented method comprising:

a) *accepting, by a computer system including one or more computers on a network, document content information* (column 18, lines 20-30: one or more web sites hosting document data are accepted/traversed on the fly for ad/product data);

b) *using, by the computer system, at least one of terms, concepts and categories of the document content information to determine relevant content in addition to content of the document, wherein the determined relevant content is one of (A) a news story, (B) a review, (C) a search query, or (D) a user group message* (column 18, lines 20-40: whereas, the data server analyzes the document data to realize further relevant product

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related data; the realized associations stored at the data server. The determined further content retrieved includes user-group reviews/messages);

c) using, by the computer system, the determined relevant content, determining further content, wherein the further determined content is at least one ad, received from an ad server, relevant to the determined relevant content (Fig 2B, column 20, lines 45-53, whereas, determined content can be further used in a constructive associative manner to retrieve further data, such that more than one type of content is retrieved and aggregated. The further determined content can include an ad for related products); and

d) combining, by the computer system, at least a portion of content of the document, at least a portion of the determined relevant content, and at least a portion of the determined further content for presentation to the user (Fig 2B: whereas, the data server combines one or more parts of the document data/page content with determined relevant content (a review/group-message), and an advertisement data; such that a client program displays the combined information in aggregated/pop-up-bubble form).

With regards to claim 9, for an apparatus, which performs a method similar to the method of claim 1, is rejected under similar rationale.

With regards to claim 10, which is dependent on claim 9, for an apparatus performing a similar method to claim 2, is rejected under the same rationale.

With regards to claim 13, for an apparatus performing a similar method as in claim 5, is rejected under the same rationale.

With regards to claim 14, which depends on claim 9, for an apparatus performing a similar method to claim 6, is rejected under the same rationale.

With regards to claim 15, Kahle et al teaches an apparatus, which performs a method similar to the method of claim 7, is rejected under similar rationale.

With regards to claim 17, which depends on claim 2, Kahle et al teaches *wherein the acts of (b) using the ad document information to determine content in addition to content of the ad document, and (c) combining at least a portion of content of the ad document and at least a portion of the determined content for presentation to a user together with page content* (as similarly explained in the rejection for claim 1), and is rejected under similar rationale. Additionally, Kahle et al teaches the acts *are performed automatically by a machine executing machine-executable instructions* (Fig 1, column 3, lines 49-60: whereas a combination of hardware computers/machines are used to implement the steps/roles/instructions).

With regards to claim 20, which depends on claim 7, Kahle et al teaches *wherein the acts of (b) using the document information to determine content in addition to*

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content of the document, (c) using the determined content, determining further content, and (d) combining at least a portion of content of the document, at least a portion of the determined content, and at least a portion of the determined further content for presentation to a user (as similarly explained in the rejection for claim 7), and rejected under similar rationale. Furthermore Kahle et al further teaches that the acts are *performed automatically by a machine executing machine-executable instructions* (Fig 1, column 3, lines 49-60: whereas a combination of hardware computers/machines are used to implement the steps/roles/instructions).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahle et al (US Patent: 7,373,313 B1, issued: May 13, 2008, filed: Mar. 28, 2001, EEFD Apr. 25, 2000), and further in view of CNET (CNET.COM, page 1, December 7, 2001).

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With regards to claim 3, which depends on claim 1, the combination of Kahle et al teaches a method comprising:

- *The at least one ad*, in claim 1, and is rejected under the same rationale.
- *The determined content relevant*, in claim 1, and is rejected under the same rationale..

However, the Kahle et al does not expressly teach that the at least one ad, *is for a service and wherein the determined relevant content is a review for the service*.

Yet, CNET teaches at least one ad *is for a service and wherein* the determined relevant content *is a review for the service* (page 1: whereas, 'PC Connection' is the name of the service, and the review is indicated by a "star" ranking system).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Kahle et al's method for displaying advertisements of a particular subject matter and determining further relevant content, to have further included an advertisement for the determined content to be a review for a service, when a service was being browsed, as taught by CNET. The combination of Kahle et al, and CNET, would have allowed Barry et al's system to have been able to have provided service review information when the ad was a service.

With regards to claim 11, which depends on claim 9, for an apparatus performing a method similar to claim 3, is rejected under the same rationale.

With regards to claim 18, which depends on claim 3, Kahle et al teaches *wherein the acts of (b) using the ad document information to determine content in addition to content of the ad document, and (c) combining at least a portion of content of the ad document and at least a portion of the determined content for presentation to a user together with page content* (as similarly explained in the rejection for claim 1), and rejected under similar rationale. Additionally Kahle et al teaches that the acts *are performed automatically by a machine executing machine-executable instructions* (Fig 1, column 3, lines 49-60: whereas a combination of hardware computers/machines are used to implement the steps/roles/instructions).

6. Claims 4, 12, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahle et al (US Patent: 7,373,313 B1, issued: May 13, 2008, filed: Mar. 28, 2001, EEFD Apr. 25, 2000), and further in view of MSN (MSN.COM, page 1, Dec. 7, 2000).

With regards to claim 4, which depends on claim 1, Kahle et al teaches a method comprising:

- *The at least one ad*, in claim 1, and is rejected under the same rationale.
- *The determined relevant content*, in claim 1, and is rejected under the same rationale.

However, Kahle et al does not expressly teach *wherein the determined relevant content is a news story about the product or service*.

Yet, MSN teaches at least one ad *is for a product or service and wherein the determined relevant content is a news story about the product or service* (MSN, page 1: whereas, MSN Messenger is the service, and news about MSN Messenger is provided as additional content).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Kahle et al's method for displaying advertisements of a particular subject matter and determining relevant content, to have further included an advertisement for the determined content to display a news story about a service as taught by MSN. The combination of Kahle et al and MSN, would have allowed Kahle et al's system to have been able to have provided service news information when the ad was a service type.

With regards to claim 12, which is depends on claim 9, for an apparatus performing a method similar to claim 4, is rejected under the same rationale.

With regards to claim 19, which depends on claim 4, Kahle et al teaches wherein the acts of (b) using the ad document information to determine content in addition to content of the ad document, and (c) combining at least a portion of content of the ad document and at least a portion of the determined content of presentation to a user together with page content (as similarly explained in the rejection for claim 1), and rejected under similar rationale. Additionally, Kahle et al further teaches the acts *are performed automatically by a machine executing machine-executable instructions* (Fig 1, column 3,

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lines 49-60: whereas a combination of hardware computers/machines are used to implement the steps/roles/instructions).

7. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahle et al (US Patent: 7,373,313 B1, issued: May 13, 2008, filed: Mar. 28, 2001, EEFD Apr. 25, 2000), in further view of Barry et al (US Application: 2004/0015397 A1, published: Jan. 22, 2004, filed: Dec. 4, 2002, EEFD: Jul. 16, 2002).

With regards to claim 21, which depends on claim 7, Kahle et al teaches wherein the at least a portion of content of the document, the at least portion of the determined relevant content, and the at least a portion of the determined further content are combined, as similarly explained in the rejection for claim 7, and is rejected under similar rationale.

However, Kahle et al does not expressly teach combined *as part of a single web page*.

Yet, Barry et al teaches a portion of content of the document, the at least a portion of the determined relevant content, and the at least a portion of the determined further content are combined *as part of a single web page* (Fig 15: whereas, all portions of content are aggregated/combined in a single web page as shown).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Kahle et al's method for combining content, such that the

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content are combined as a part of a single web page, as similarly taught by Barry et al. The combination would have allowed Kahle et al to have implemented a system for a more enhanced way "to target advertising money" (Barry et al, paragraph 0005), by making the presentation of advertisement selection and presentation more effective.

With regards to claim 22, which depends on claim 15, the combination of Kahle et al and Barry et al teaches *wherein the at least a portion of content of the document, the at least a portion of the determined relevant content, and the at least a portion of the determined further content are combined as part of a single web page*, as similarly explained in the rejection for claim 21, and is rejected under similar rationale.

Response to Arguments

8. Applicant's arguments with respect to claims 1-7, 9-15, and 17-22 are pending have been considered but are moot in view of the new ground(s) of rejection.

9. With regards to applicant's arguments concerning that the references CNET, and MSN being merely a page print out, and that additional/further information is not based upon using ad information; the Examiner respectfully directs that Applicant's attention to claim 1, which explains that the teachings support *multiple types of* further relevant content being retrieved based upon using ad data. Thus, since this type of teaching is taught, and CNET and MSN both teach/support different *types of* further relevant

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information that are shown in their respective pages; then the combination therefore appropriate.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILSON TSUI whose telephone number is (571)272-7596. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wilson Tsui/
Patent Examiner
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January 1, 2011

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/CESAR B PAULA/

Primary Examiner, Art Unit 2178